

Index File

Application No. UP-707-06

Premier Properties USA, Inc.

Application No. UP-707-06 is a request for a Special Use Permit to authorize an increase in the allowable area for the proposed wall signage associated with one building (Target), requesting 313 sf of wall sign area instead of the normally allowable 240 sf, in the previously approved “Marquis” retail center located at the Interstate 64/Route 199 interchange, adjacent to Water Country, USA.

The staff is recommending denial.

Attachments:

1. Staff report
2. Applicant’s narrative (2 pg)
3. Applicant’s sign plan (4 pg)
4. Marquis sketch plan - Original, approved December 2005
4. Marquis sketch plan – Revised, approved May 2006
5. Proposed Resolution No. PC06-24

COUNTY OF YORK

MEMORANDUM

DATE: August 30, 2006 (PC Mtg. 9/13/06)

TO: York County Planning Commission

FROM: J. Mark Carter, Assistant County Administrator

SUBJECT: Application No. UP-707-06, Premier Properties USA, Inc.: Request for increases in allowable wall sign area

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-712 of the York County Zoning Ordinance, to authorize an increase in the allowable wall sign area for the Target retail store proposed in the previously approved “Marquis” retail center to be located on property at 165 and 175 Water Country Parkway and further identified as Assessor’s Parcel Nos. 11-4-3 and 11-91. The applicant is requesting 313 square feet of wall sign area instead of the normally allowable 240 square feet. The properties are located at the southeast quadrant of the Route 199/Interstate 64 interchange and south of Water Country Parkway (Route 640). The property is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the *Comprehensive Plan*.

In accordance with Zoning Ordinance Section 24.1-712, requests for increases in sign area and/or height may be granted by the Board of Supervisors “*When unusual topography, vegetation, parcel shape, or the distance from the road right-of-way would impose substantial hardship by making a sign, otherwise permitted by the terms of this chapter, ineffective and unreadable from vehicles on adjoining (i.e., abutting) roadways.*”

DESCRIPTION

- Property Owners: Busch Properties, Inc. (Parcel No. 11-4-3) and Marquis at Williamsburg, LLC (Parcel No. 11-91). Applicant is contract purchaser of Parcel No. 11-4-3.
- Location: 175 & 165 (portion) Water Country Parkway (Route 640)
- Area: Approximately 178 acres
- Frontage: Approximately 430 feet on Water Country Parkway, 3,400 feet on I-64, 1,900 feet on Route 199
- Topography: Varied
- Zoning Classification: EO – Economic Opportunity

HRM – Historic Resources Management overlay

- Existing Development: None; Phase I-A site plan has been submitted for review
- Surrounding Development:
 - North: Water Country USA water park; Days Inn and President's Park (across Route 199)
 - East: U.S. Naval Weapons Station-Yorktown
 - South: Williamsburg Country Club (across I-64)
 - West: Penniman East and Country Club Acres residential subdivisions (across I-64)
- Proposed Development: Approximately 800,000-square foot retail center

BACKGROUND

As the Commission will recall, earlier this year the applicant submitted an application requesting substantial increases in area and height for the main freestanding sign for the retail center and increases in wall sign area for Target (516 square feet requested) and JC Penney. The Commission recommended denial of that request, but suggested that it might be receptive to a scaled-down proposal. The applicant withdrew that application before it was acted on by the Board of Supervisors.

CONSIDERATIONS/CONCLUSIONS

1. On December 20, 2005, the applicant was granted approval for Special Use Permit UP-686-05, which authorized an 800,000-square foot retail center on the subject property. A revised concept plan that shifted the location of some of the proposed "junior anchor" stores was approved by the Board of Supervisors on May 16, 2006. Copies of the original and amended sketch plans are attached. The locations of the proposed Target (and also JC Penney) were a part of the December, 2005 project approval and remained in the same locations in the May 16th revised plan.
2. The applicant is requesting an increase in sign area for the building-mounted wall signs for Target. In accordance with Sections 24.1-702(b) and 24.1-703 of the Zoning Ordinance, the maximum permitted sign area for building wall signs is 1.5 square feet of sign area for each linear foot of principal building width, not to exceed an aggregate area of 240 square feet per building. A building 160 feet wide would be eligible for the maximum signage allowance (160' x 1.5 s.f. = 240 s.f.). The Target building is approximately 390 feet wide, making it eligible for the maximum 240-square foot signage allowance. The applicant has requested permission to install 313 square feet of sign area for the proposed Target store – a 30% increase.

Please note that the applicant's narrative shows two different sign area calculations – 380 s.f. and 313 s.f., the difference being in how the Target “bullseye” logo would be measured. Measurement of the circle (i.e., without “boxing” it) is acceptable under the terms of the Zoning Ordinance and, accordingly, this application is being processed as a request for 313 square feet of sign area.

3. The principal façade of the Target building will be oriented to the internal parking and access road for the center. The buildings will be highly visible to anyone entering the center from the access road off Route 199. Given the slow speeds at which vehicles will be traveling on the internal circulation drives and through the parking lot system and the opportunity to install internal directional signage within the center, massive signage on the internal faces of the buildings should not be necessary, in staff's opinion, to attract or direct customers. If it is, then the same could be said for the buildings/stores in any other major retail center in the County whose buildings are subject to the 240 square foot limit. Staff believes that the allowable 240 square feet of aggregate signage can be distributed effectively on the faces of the proposed building to serve the necessary functions. For example, on the Target building a greater proportion of the allowable area could be allocated to the sign on the back of the building facing Route 199 to better ensure legibility from vehicles traveling at higher speeds.
4. Zoning Ordinance Section 24.1-712 provides for increases in sign height and/or area only when hardship can be demonstrated relative to topography, vegetation, parcel shape, or distance from road right-of-way. According to preliminary site plans and elevations submitted by the applicant, the back of the Target building would be located approximately 150 to 200 feet from and parallel to the edge of pavement on Route 199 and would be approximately 30 feet in height. The ground elevation at the base of the building would be approximately 20 feet below the level of Route 199. Although a Greenbelt Buffer is required along the Route 199 frontage, clearing of underbrush and pruning limbs from trees is permitted in order to establish sight lines for the building and signs.
5. It should be noted that the applicant plans to subdivide the property and create a separate parcel with Route 199 frontage for Target. If that plan is carried out, the Target site would be entitled to a separate freestanding identification sign (64 square foot area / 10 foot height) on the Route 199 frontage. In staff's opinion, that opportunity, plus any identification allotted to Target on the Marquis retail center sign, plus the normally allowable wall sign area, is sufficient to announce and attract attention to Target's presence on the site.
6. Staff believes it is important to review this application in the context of the market area in which this center is located – i.e., the Williamsburg area. In that regard, please consider the fact that aggregate normal wall signage allowances provided by York County's Zoning Ordinance are already more liberal than the allowances in either the City of Williamsburg or James City County. As such, it is staff's

opinion that compliance with the normally allowable wall signage regulations will not put the establishments in this center in any type of competitive disadvantage in the market area. (For example, the existing Target in the Monticello Marketplace retail center has an aggregate wall signage allowance of 95 square feet) Furthermore, the “destination” character of this location and the proposed center would, in staff’s opinion, mitigate the need for larger signs – in other words, just as Water Country USA (a *destination* rather than an *impulse* establishment) has survived and thrived with a freestanding sign that does not exceed normal area and height allowances, so too should the Marquis Center and the establishments within it.

RECOMMENDATION

On December 2, 2003, the Board of Supervisors adopted Zoning Ordinance text amendments (Ordinance No. R03-42(R)) that included a provision establishing a 240-square foot area maximum limitation on building wall signage. The amendment was initiated to further County efforts to enhance the appearance of its major road corridors. Section 24.1-712 requires that hardship must be demonstrated relative to topography, vegetation, parcel shape, or distance from road right-of-way before increases in sign area or height can be approved.

It should be noted that the proposed retail center was approved with the understanding that it would be a “lifestyle” center with a strong pedestrian orientation. While the anchor store that is the subject of this application is a freestanding building separate from the grouping of buildings that will form the “main street” area, it is still oriented *toward* the center of the site. As noted above, once patrons enter the development from the Route 199 access road, the buildings themselves will be easily visible and the signage on their faces need not be massive because of the lower vehicle speeds on the internal circulation system and within the parking areas and the opportunities for internal directional signage. The signage allowances provided by the Zoning Ordinance do not appear to be inconsistent with this type of development or with the signage allowances elsewhere in the greater Williamsburg market area. In fact, the strong pedestrian orientation might even argue for a lesser sign area allowance than that needed for commercial development along a major highway corridor.

In staff’s opinion, the overall development is the “destination” and that can be appropriately identified by the freestanding signage allowances provided by the Zoning Ordinance, just as Water Country is. Added to that, Target will be entitled to a separate freestanding sign if it is subdivided as a separate parcel with Route 199 frontage. Once within the “destination” the normal building sign allowances appear adequate to staff, especially given the intended pedestrian orientation. Therefore, in staff’s opinion, hardships justifying increases in wall signage area do not exist. For these reasons, staff recommends that the Commission forward this application to the Board with a recommendation of denial. This can be achieved through the denial of proposed Resolution No. PC06-24.

Carter/3337
Attachments:

- Applicant's narrative (date stamped August 1, 2006)
- Applicant's sign plan (4 pg) (dated August 1, 2006)
- Marquis Sketch Plan – Original: approved December 2005
- Marquis Sketch Plan – Revised: approved May 2006
- Proposed Resolution No. PC06-24



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AUG 1 - 2006

Planning Division

Narrative to Special Use Signage Permit

The following information is in support of an application for Special Use Permit with respect to signage at the proposed retail development, "The Marquis." The enclosed application dated August 1, 2006 specifically requests approval for:

1. Target Wall Signage – three hundred and eighty (380) square feet.

Target Wall Signage

Existing Ordinance:

Article VII, Section 24.1-702(b) allows...

The maximum allowable accumulative area permitted on any parcel shall be calculated with respect to the principle street frontages of the parcel to which the parcel has direct access...the maximum allowable accumulative area shall be based on the width of the face of the principal building parallel or nearly so to the street frontage...all permanent signs shall be counted in the calculation of maximum accumulative sign area...the aggregate wall sign area for a building be allowed to exceed 240 square feet.

PPUSA respectfully requests your authorization for an increase in allowable wall signage from two hundred and forty (240) square feet to three hundred and eighty (380) square feet for our anchor tenant, Target.

- **Targets primary entrance and views from 199 are on different elevations-** Targets location on the site has the primary view of their building from 199 as the back of their building. They are taking great strides to keep the back and side façades as architecturally aesthetic as the front facade and signage is one piece of that. The park fields, entrance point, and view from 199 for Target are on different facades leading us to request a special use permit for wall signage on four (4) facades, leading to an increase in area. We have utilized the standard method for calculating wall signage area by multiplying the height of the signage by the width of the signage and have arrived at a total wall signage area of 380 sf. We wish to point out that since the target logo is a circle the area number ends up quite a bit larger utilizing this standard calculation method than the actual physical area of signage attached to the wall. If you take the proposed signage and calculate the area utilizing the standard method (calculating the circle logos utilizing width x height) we ended up with the following areas:

FRONT ELEVATION AND LETTERSET	153sf
FRONT ELEVATION PHARMACY LETTERSET	35 sf
REAR ELEVATION LOGO	64 sf
LEFT ELEVATION LOGO	64 sf
RIGHT ELEVATION LOGO	64 sf
<u>TOTAL PHYSICAL WALL SIGNAGE AREA</u>	<u>380 sf</u>

However if you take the proposed signage and calculate the area of the physical signage faces (calculating the circle logos utilizing πr^2) you end of with the following areas:

<i>FRONT ELEVATION AND LETTERSET</i>	<i>127sf</i>
<i>FRONT ELEVATION PHARMACY LETTERSET</i>	<i>35 sf</i>
<i>REAR ELEVATION LOGO</i>	<i>50.27 sf</i>
<i>LEFT ELEVATION LOGO</i>	<i>50.27 sf</i>
<i>RIGHT ELEVATION LOGO</i>	<i>50.27 sf</i>
<i>TOTAL PHYSICAL WALL SIGNAGE AREA</i>	<i>312.81 sf</i>

We felt it important to point this out as the area calculation of 380 sf can be misleading as there is almost 70 sf of area in this calculation that does not have any physical signage associated with it.

Premier Properties USA, Inc. (PPUSA) proposes in the attached exhibits the Target wall signage to be approximately three hundred and eighty (380') square feet. Conceptual elevations for the proposed Target signage are enclosed and labeled:

- ❖ Target Signage (Pages 2 and 3)

We appreciate your attention in reviewing this request.



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A detailed pencil sketch of a historic street scene in Williamsburg, Virginia. The scene includes a large clock tower on the left, a domed building in the center, and a large globe sculpture in the foreground. The title 'THE MARQUIS' is overlaid in a large, dark serif font, with 'THE' in a smaller font above 'MARQUIS'. Below the title, 'Williamsburg, VA' is written in a smaller, dark serif font.

THE MARQUIS

Williamsburg, VA

Request for Signage Special Use Permit

08.01
2006

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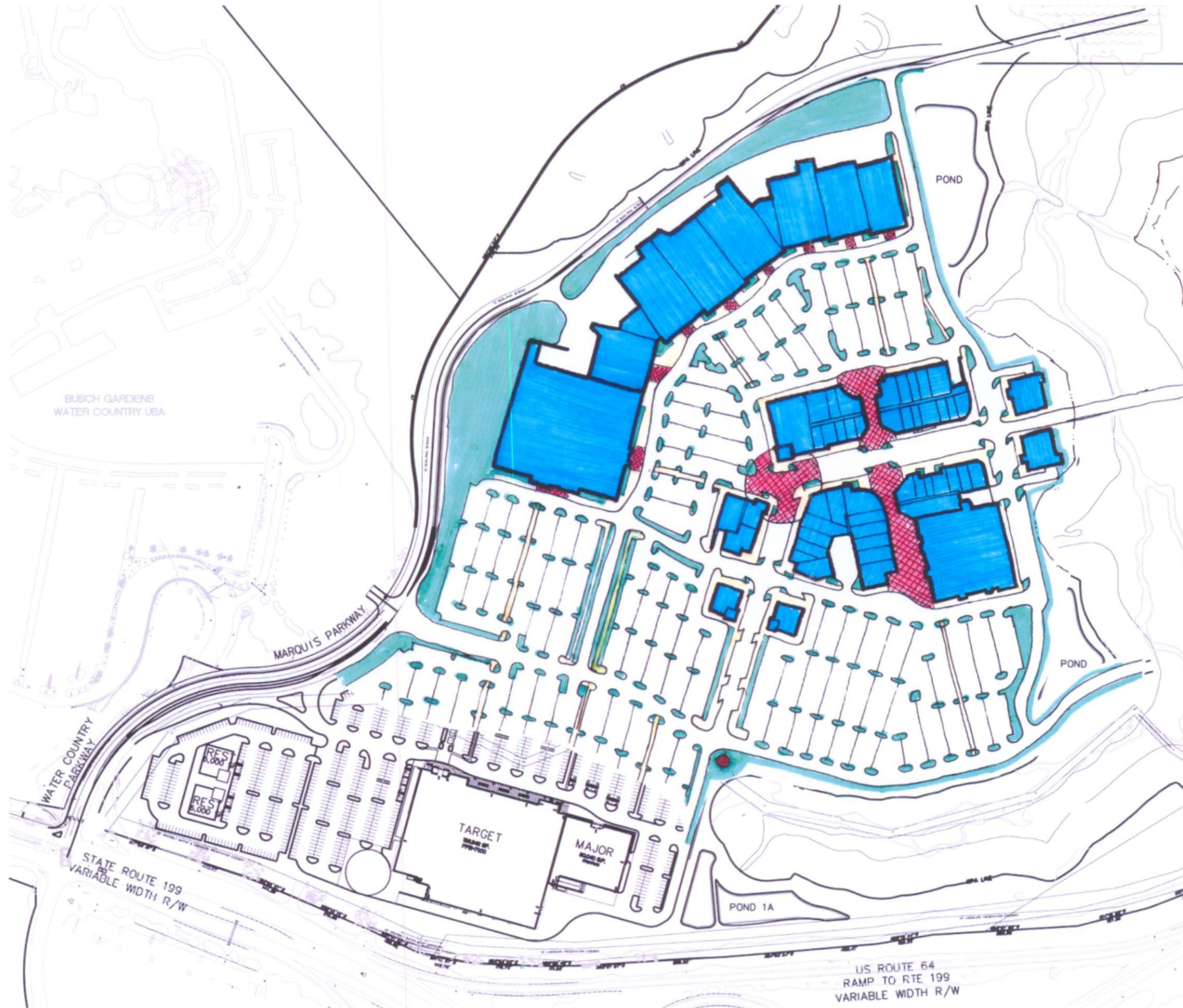
Site Plan



08.01
2006

THE MARQUIS
Williamsburg, VA

Signage
Special Use
Permit



Site Acreage: 240 acres
State route 199 frontage
for phase 1 development:
3,303 feet



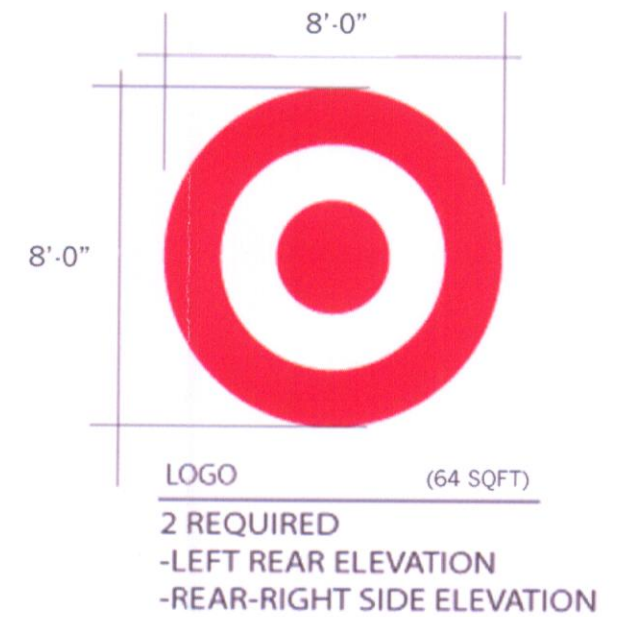
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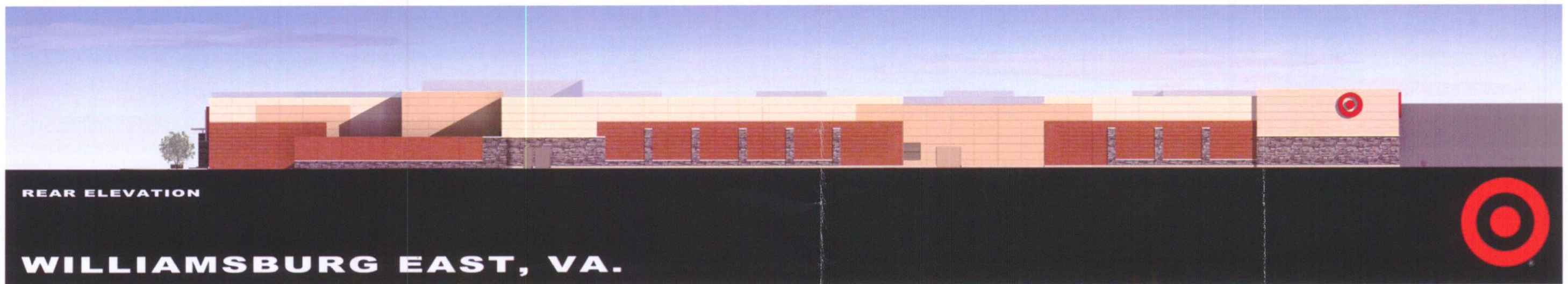
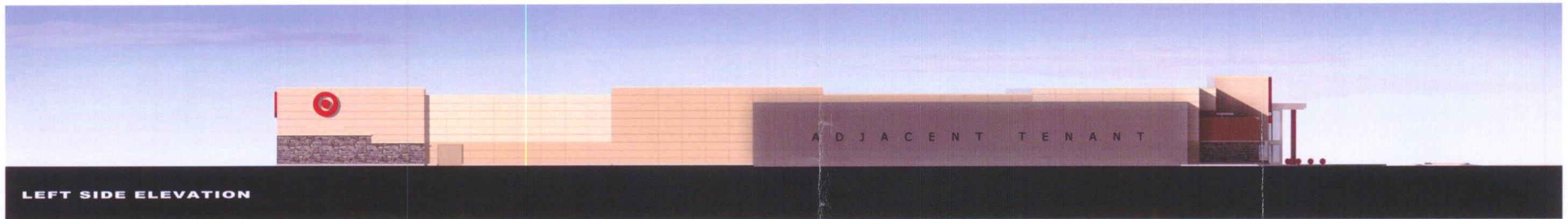
FRONT ELEVATION

FRONT ELEVATION LOGO AND LETTERSET	153 SF
FRONT ELEVATION PHARMACY LETTERSET	35 SF
REAR ELEVATION LOGO	64 SF
LEFT ELEVATION LOGO	64 SF
RIGHT ELEVATION LOGO	64 SF
TOTAL WALL SIGN AREA	380 SF



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Target Signage Elevations



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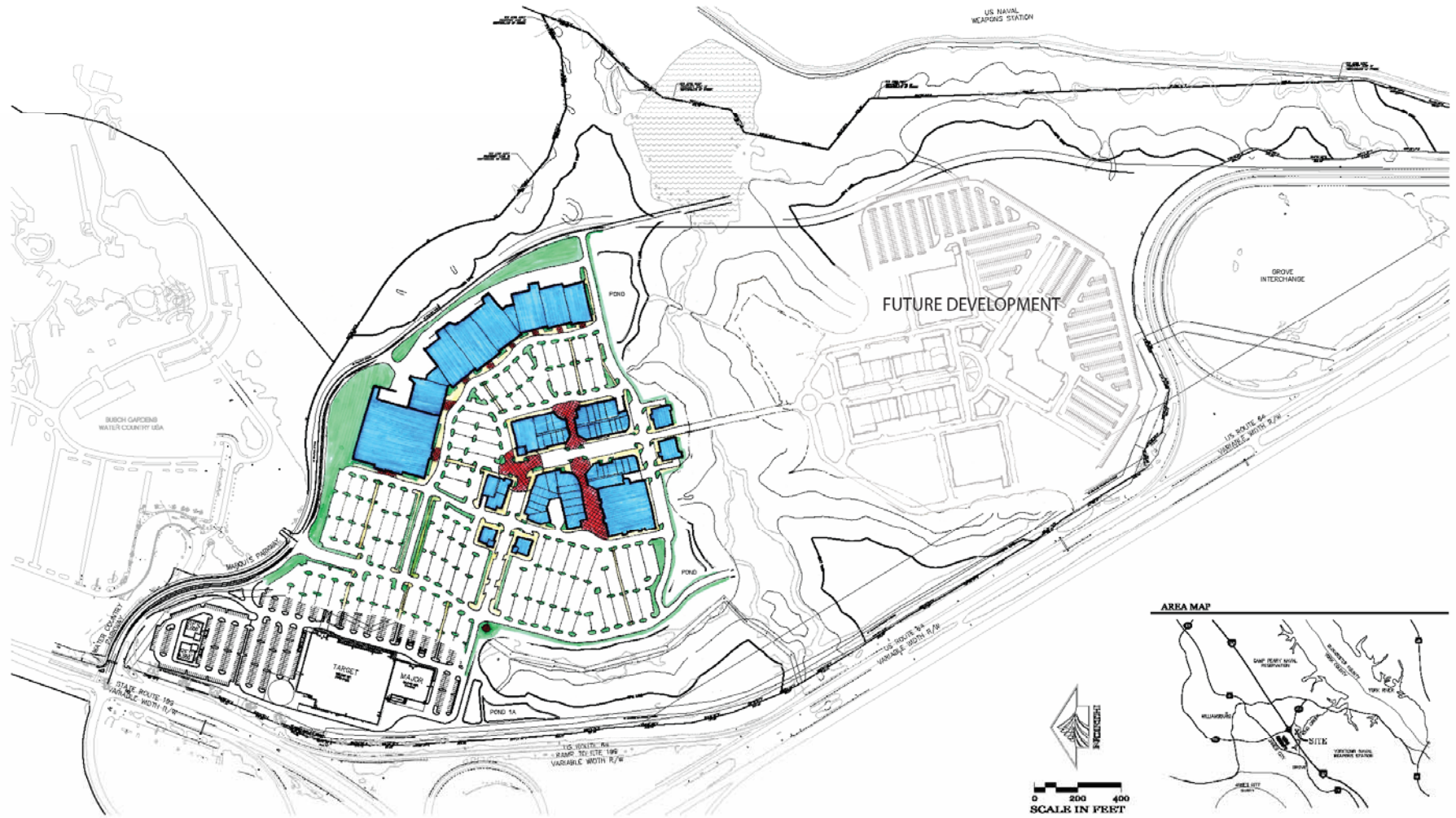
THE
MARQUIS
Williamsburg, VA

Signage
Special Use
Permit

December 20, 2006



The Marquis York County, VA



Approved May 16, 2006

Resolution No. R06-74(R)

05/01/06

EXHIBIT

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Alfred E. Ptasznik, Jr., Chair
Nicholas F. Barba, Vice Chair
Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Anne C. H. Conner
John R. Davis

On motion of ____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE AN INCREASE IN THE
ALLOWABLE SIGN AREA FOR THE TARGET RETAIL STORE TO
BE LOCATED IN THE 'MARQUIS' RETAIL CENTER PROPOSED
ON PROPERTY LOCATED AT 165 AND 175 WATER COUNTRY
PARKWAY

WHEREAS, Premier Properties USA, Inc. has submitted Application No. UP-707-06 to request a Special Use Permit, pursuant to Section 24.1-712 of the York County Zoning Ordinance, to authorize an increase in the allowable sign area for the Target retail store to be located in the 'Marquis' retail center proposed on property located at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos. 11-91 (GPIN No. H13b-3795-3227) and a portion of 11-4-3 (GPIN No. I13c-0012-1173); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application and has recommended denial of the increased signage allowances; and

WHEREAS, the Commission has given careful consideration to the public comments and the staff recommendations with respect to this application and has determined that modest increases in area and height are warranted;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2006, that Application No. UP-707-06 be, and it is hereby, forwarded to the Board of Supervisors with a recommendation for approval subject to the following conditions:

1. This use permit shall authorize a maximum of 313 square feet of wall signage to be installed on the Target retail building proposed in the 'Marquis' retail center to be located on property at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos.11-91 (GPIN No. H13b-3795-3227) and a portion of 11-4-3 (GPIN No. I13c-0012-1173). The design of such signs shall be subject to review and approval by the Marquis Design Review Committee established in conjunction with the original approval of the "Marquis" development (reference Resolution No. R05-201(R)).
2. All other signage for the subject property shall be in conformance with Condition No. 4 of Resolution No. R05-201(R) as adopted by the Board of Supervisors on December 20, 2005 and filed with the Clerk of Circuit Court on March 9, 2006 (Instrument No. 060005400).
3. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

BE IT FURTHER RESOLVED that this Special Use Permit is severable and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.